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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/583,797	05/31/2000	Rosario A. Uceda-Sosa	POU9-2000-0018-US1	9330

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EXAMINER	
VO, LILIAN	

ART UNIT	PAPER NUMBER
2195	

DATE MAILED: 04/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action Before the Filing of an Appeal Brief	Application No. 09/583,797	Applicant(s) UCEDA-SOSA ET AL.	
	Examiner Lilian Vo	Art Unit 2195	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 25 March 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:
   a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
   b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

   Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
   (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
   (b) ☐ They raise the issue of new matter (see NOTE below);
   (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
   (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

   NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).
4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
   The status of the claim(s) is (or will be) as follows:
   Claim(s) allowed: *None*.
   Claim(s) objected to: *None*.
   Claim(s) rejected: *1 - 48*.
   Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____
13. ☐ Other: _____.

LEWIS A. BULLOCK, JR.
PRIMARY EXAMINER

Lilian Vo
Examiner
Art Unit: 2195

Continuation of 11. does NOT place the application in condition for allowance because: the rejection was deemed proper.

1. In response to applicant's argument that Cheng does not teach or suggest of locking and determining whether the relationship between the resources is a containment-based relationship or reference-based relationship and then locking a resource based on that determined relationship (page 5, 2nd paragraph and page 6, 1st paragraph), the examiner disagrees. The office action clearly stated where Cheng teach such limitations and also directed to Soltis to provide the missing feature/teaching from Cheng.

Cheng teaches of determining whether a relationship between one resource and another resource of a data repository is a containment-based relationship or whether the relationship is reference-based relationship (col. 3, line 51 – col. 4, line 1, 21 – 48), wherein the data repository comprises a hierarchical structure of a plurality of resources; said hierarchical structure comprising one or more resources having a reference-based relationship and one or more resources having a containment-based relationship (figs 3 and 5, col. 6, lines 46 – 67, col. 8, lines 1 – 7, col. 10, line 52 – col. 11, line 3).

Cheng did not clearly disclose the limitation of locking the resource based on the determined relationship. Instead, Cheng discloses the concept of accessing the resources is determined by the relationship definition (col. 4, lines 21 – 35) and that resources relationship definition are being examined in order to perform users' requests (col. 4, lines 36 – 47). Cheng also discloses that authorization checking must be done when someone attempt to open and work on a resource (col. 13, lines 24 – 32). It would have been obvious for one of an ordinary skill in the art, at the time the invention was made, to recognize to the authorization checking before accessing to the resource and the accessing to the resources based on the resources relationship definition implies that not only the resources have a security protection but also provide accessing to the resources based on the type of the relationship between the resources.

With respect to locking the resources, Soltis discloses the step of acquiring the locks that are controlled access and associated with the use of the storage block for exclusive use or for shared used by the acquiring client (abstract, col. 3, lines 41 – 46, col. 19, lines 15 – 28). It would have been obvious for one of an ordinary skill in the art, at the time the invention was made, to incorporate the concept of locking the resources from Soltis to Cheng to exclude other users/clients from accessing/using the resources at the time so that data consistency can be maintained (Soltis: col. 3, lines 43 – 45).

2. In response to applicant's arguments that Soltis also fails to teach or suggest determining whether the relationship between the resources is a containment-based relationship or reference-based relationship and then locking a resource based on that determined relationship (page 5, 3 – 4th paragraphs and page 6, 1st paragraph), applicant is directed to Cheng and/or the above response for this argument. As stated in the office action and the above response, Soltis was used to show the concept of locking the resources.

3. With respect to applicant's argument that "there is no such teaching or suggestion in the references themselves. Cheng is not even concerned with the locking of resources" (page 6, 4th paragraph), applicant is again directed to Soltis (abstract, col. 3, lines 41 – 46, col. 19, lines 15 – 28) for the concept of locking resources.

4. Furthermore, in response to applicant's arguments against the references individually (page 6, 4th – 5th paragraph), one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See In re Keller, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); In re Merck & Co., 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

5. In response to applicant's argument (page 6, 5th paragraph) that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See In re McLaughlin, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).